

UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF OREGON

IN RE

KATHY LEA BELL,

Debtor.

Bankruptcy Case  
No. 11-64837-fra7

MEMORANDUM RE: MOTION  
TO CHANGE VENUE

The Debtor has filed a motion to change the intra-district venue of this case from Eugene to Bend [Document #6].

According to her petition, Debtor was a resident of Lane County, Oregon, at the time the petition was filed. Cases filed by residents of Lane County are assigned to a bankruptcy judge in Eugene, and to a Chapter 7 panel trustee who conducts meetings of creditors in Eugene. By contrast, cases filed by debtors residing in Deschutes County are assigned to a Portland judge and a trustee who conducts meetings of creditors in Bend.

The motion asserts that Debtor was recently a resident of Bend, that her principal assets, including her real property, are situated in Deschutes County, and that "Debtor's attorney is located in and practices in Bend. Debtor will incur additional expenses if Debtor's attorney travels to Eugene to appear at the 341(a) hearing, or if a local Eugene attorney has to be paid to appear at the 341(a) hearing in Eugene on Debtor's behalf."

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1 A review of Debtor's schedules reveals that she has little in the way of non-exempt assets, and that her  
2 real estate is over secured, and unlikely to be administered. Virtually all of the unsecured creditors are from  
3 outside the state of Oregon.

4 The disclosure of compensation filed by Debtor's attorney states that he has received \$800 for his  
5 services in connection with this bankruptcy case. In return for the fee, counsel has agreed to "render legal  
6 service for all aspects of the bankruptcy case, including: ... c. Representation of the Debtor at the meeting of  
7 creditors...."

8 The boundaries between the Eugene and Portland divisions were drawn to ensure a workable  
9 distribution of cases between Oregon's bankruptcy judges. Motions to change venue purely for the  
10 convenience of a debtor or debtor's counsel are not favored. In this instance, counsel contracted with the  
11 Debtor to provide bankruptcy services, including attendance at the § 341(a) meeting. Counsel was aware at  
12 the time that the § 341(a) meeting would take place in Eugene. Counsel cannot, consistent with his  
13 agreement and disclosure demand an additional charge for expenses incurred traveling from Bend to Eugene.  
14 Avoiding that cost is not sufficient grounds for changing venue.

15 Accordingly, the motion will be denied, and a separate order to that effect will be entered.

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FRANK R. ALLEY III  
Chief Bankruptcy Judge